

Message Text

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PAGE 01 ANKARA 04327 081127Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-02 INR-10
L-03 NSAE-00 NSC-05 PA-02 SP-02 SS-15 ICA-20
HA-05 JUSE-00 /082 W
-----112285 090621Z /17

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FM AMEMBASSY ANKARA
TO SECSTATE WASHDC 2239
INFO AMCONSUL ADANA
AMCONSUL ISTANBUL
AMCONSUL IZMIR

UNCLAS ANKARA 4327

E.O. 11652: N/A
TAGS: PINT, SHUM, TU
SUBJECT: CONSTITUTIONAL COURT REPORTEDLY BARS SOME MILITARY
TRIALS OF CIVILIANS

REF: A) 77 STATE 145374, B) 77 ANKARA 4868

1. ACCORDING TO A REPORT IN PRO-GOVERNMENT MILLIYET ON
JUNE 2, THE CONSTITUTIONAL COURT HAS RULED UNCONSTITUTIONAL
SEVERAL PROVISIONS OF THE MILITARY CRIMINAL CODE AND PROCEDURE
LAW WHICH PERMITTED TRIALS OF CIVILIANS BY MILITARY AUTHORITIES.
MILLIYET NOTES THAT CHANGES IN MILITARY LAW MADE DURING 1971-73
MARTIAL LAW PERIOD GAVE MILITARY COURTS RIGHT TO ACT IN AREAS
ALREADY COVERED BY CIVIL LAW. ARTICLE 150 OF THE TURKISH
CRIMINAL CODE, WHICH IS APPARENTLY UNAFFECTED BY THE CONSTI-
TUTIONAL COURT DECISION, CONTINUES TO PERMIT TRIAL AND
IMPRISONMENT OF ANY PERSON "WHO OVERTLY INSULTS OR VILIFIES
THE TURKISH NATION, THE REPUBLIC, THE GRAND NATIONAL ASSEMBLY,
OR THE MORAL PERSONALITY OF THE GOVERNMENT OR THE MILITARY OR
SECURITY FORCES OF THE STATE OR THE PERSONALITY OF JUDICIAL
AUTHORITIES."

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2. COMMENT: REPORTED DECISION HAS NOT YET APPEARED IN THE
OFFICIAL GAZETTE. WHEN AND IF PUBLISHED, WE WILL BE ABLE TO
TRANSLATE RULING AND COMMENT ON ITS POSSIBLE IMPACT.
DILLON

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NNN

Message Attributes

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Disposition Date: 01 jan 1960
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